

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CIVIL ACTION NO. 1:09cv733 (WOB)

MICHAEL W. KIRKHAM

PLAINTIFF

VS.

O R D E R

PRUDENTIAL INSURANCE CO.  
OF AMERICA, and  
SAIA, INC. HOURLY EMPLOYEE  
LONG TERM DISABILITY PLAN

DEFENDANTS

This matter is before the court on the Report and Recommendation of the United States Magistrate Judge (Doc. 51), and having considered de novo those objections filed thereto by plaintiff (Doc. #54), and the court being sufficiently advised,

**IT IS ORDERED** that the objections filed herein be, and they hereby are, **overruled**; that the Report and Recommendation of the Magistrate Judge be, and it hereby is, **adopted** as the findings of fact and conclusions of law of the court; that the defendants' motion for judgment on the record (Doc. #30) be, and it hereby is, **granted**; that plaintiff's motion for judgment on the record (Doc. #47) be, and it hereby is, **denied**; and that this matter be dismissed, with prejudice, and stricken from the active docket of

this court. A separate Judgment shall enter concurrently herewith.

This 18<sup>th</sup> day of May, 2011.



**Signed By:**

**William O. Bertelsman** *WOB*

**United States District Judge**